S.B.Cr.Misc. Bail App. No. 5150/2007
(Devi Lal Vs. State of Rajasthan)

Date of order : 13/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Rakesh Arora for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and challan papers. Carefully gone through the statement of prosecutrix recorded by the police on 22.8.2007 as also the statements of father of the prosectrix Nanda and mother of the prosecutrix Kamla and the statement s of the witnesses who are neighbours.

The prosecutrix and other witnesses including the parents of the prosecutrix stated that the prosecutrix was given in Nata to the present petitioner and the present petitioner gave certain jewellery articles mentioned in her statement as also in the statement of her parents i.e. Gold Madaliya, Ramnami and Silver Kandora etc. The petitioner also paid Rs. 1 lacs to the previous husband of the prosecutrix and she lived with the petitioner as his Nata wife for 25 days and during that period she stated that the petitioner had sexual intercourse with her.

Be that as it may, it is admitted fact that the prosecutrix, her parents and other witnesses stated that the prosecutrix went in Nata to the petitioner and lived with him as his wife for 25 days.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, without commenting on the merit of the case, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Devi Lal S/o Radha Krishna, be released on bail in FIR No. 117/2007, P.S. Bijaypur, district Chittorgarh, provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP